

**BEFORE THE
FEDERAL ELECTION COMMISSION**

Nia Robinson

New York, NY 10032,

Complainant,

v.

Stronger Together NYC and
Grant Lincoln, Treasurer
511 West 165th Street
New York, NY 10032,

Respondents.

MUR # 7103

OFFICE OF GENERAL
COUNSEL

2016 JUL -8 PM 12:49

RECEIVED
FEDERAL ELECTION
COMMISSION

COMPLAINT

Complainant files this complaint under 52 U.S.C. § 30109(a)(1) against Stronger Together NYC (hereinafter referred to as "the Committee") and Grant Lincoln, its treasurer, in his official capacity ("Respondents") for violating the Federal Election Campaign Act of 1971, as amended ("the Act"), and Federal Election Commission ("the Commission") regulations. As described below, despite the fact that Stronger Together NYC's website contains statements expressly advocating the election of New York State Senator Adriano Espaillat's to represent New York's 13th Congressional District in the U.S. House of Representatives, and, on information and belief, the Committee has sponsored other independent expenditures in the days before the 13th Congressional District's Democratic primary election, it has failed to file any reports disclosing its independent expenditure activity in violation of the Act and Commission regulations.

A. FACTS

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Stronger Together NYC is an independent expenditure-only political action committee whose stated purpose is to "elect future leaders courageous enough to stand up to the forces of gentrifying change, eroding the character of our communities."¹ The Committee registered with the Commission on June 6, 2016. As part of its mission, the Committee is supporting New York State Senator Adriano Espaillat's campaign to replace Congressman Charlie Rangel as the U.S. Representative of New York's 13th congressional district. To that end, Stronger Together NYC's website states:

A critical review of the field of candidates vying to replace outgoing Congressman Rangel left us with a clear option, New York State Senator Adriano Espaillat . . . Elections matter. Stronger Together NYC urges you to vote for Adriano Espaillat as your next Congressman.²

State Senator Espaillat is currently running against several other candidates in New York's Democratic congressional primary election, which will be held on June 28, 2016. According to recent publicly available news reports, Chad Proudluck, Stronger Together NYC's co-founder and political consultant, drafted a memorandum dated June 21, 2016, which set forth the Committee's plan to help State Senator Espaillat win the primary election.³ Among other proposed strategies, the memorandum stated that Senator Espaillat would win a "definitive" victory in the June 28th primary if he "[p]revents or suppresses the White Progressive and African American vote for Asm. Keith Wright [an African-American candidate for the 13th Congressional district and one of Senator Espaillat's leading opponents] by 5% points of these

¹ "About Us," Stronger Together NYC, *available at* www.strongertogethernyc.com/about-us/ (last accessed June 26, 2016).

² *Id.*

³ A. Paybarah, "Wright, Sharpton say there is a plot to suppress the black vote in the Rangel race," *Politico*, *available at* <http://www.politico.com/states/new-york/city-hall/story/2016/06/wright-sharpton-say-there-is-a-plot-to-suppress-the-black-vote-in-rangel-race-103272> (last accessed June 26, 2016).

combined voter groups, or roughly 2000 votes.”⁴ The memorandum concludes by recommending “[m]icro-targeted Direct mail and persuasion dials (using contrast messaging) communicated to White Progressives and African American voters in AD 68, 69, and 70,”⁵ and noting that “presenting a dissuasive message to suppress turnout for these specific groups is essential to assure Sen Espaillat wins on the 28th.”⁶

B. LEGAL ARGUMENT

Commission regulations provide that once a political committee’s aggregate independent expenditures reach or exceed \$1,000 with respect to a given election, and are made fewer than 20 days, but more than 24 hours, before an election, the independent expenditure must be reported to the Commission within 24 hours of the time the communication is publicly distributed or otherwise publicly disseminated.⁷ Further, a committee is required to file a 24-hour report each time it makes subsequent independent expenditures relating to the same election that aggregate an additional \$1,000 or more.⁸

The facts strongly suggest that the Committee has sponsored independent expenditures in support of Senator Espaillat’s candidacy in the days leading up to the congressional primary that it has failed to report to the Commission in violation of the Act. First, Stronger Together NYC’s website contains statements that amount to express advocacy in support of State Senator Espaillat’s candidacy. As shown above, the Committee’s website clearly urges voters to support Senator Espaillat in the primary election. Additionally, the June 21, 2016 memorandum written

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.* 11 C.F.R. § 104.4(c).

⁸ *Id.*

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by the Committee's co-founder strongly suggests that Stronger Together NYC has sponsored other independent expenditures, including direct mail and persuasion telephone calls, in support of Senator Espaillat's candidacy and/or in opposition to candidates who are running against Senator Espaillat. However, in violation of Commission regulations, the Committee has not disclosed any of its independent expenditure spending with the Commission. By failing to disclose its spending, the Committee has kept the public in the dark in the days leading up to the primary election, a result which Commission regulations requiring such disclosure are intended to avoid and indeed prohibit.

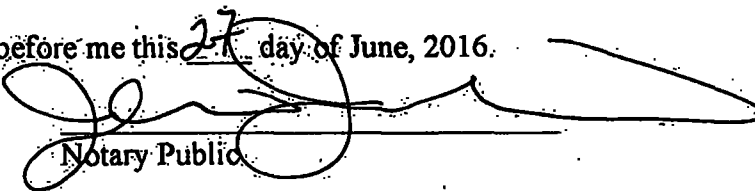
C. REQUESTED ACTION

On information and belief, Stronger Together NYC has violated the Act and Commission regulations by failing to disclose with the Commission independent expenditures it has sponsored in support of New York State Senator Espaillat's candidacy for the U.S. House of Representatives. We respectfully request that the Commission investigate Respondents' apparent violations, and that Respondents be enjoined from further violations and be fined the maximum amount permitted by law. Additionally, we urge the Commission to investigate whether another group, Good Government for All, has violated the Act and Commission regulations by failing to register with the Commission.

Sincerely,



SUBSCRIBED AND SWORN to before me this 27 day of June, 2016.


Notary Public

My Commission Expire:

JEANINE RENEE JOHNSON
Notary Public, State of New York
No. 02JO6291597
Qualified in New York County
Commission Expires Oct. 15, 2017